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EXAMINER

GENCO, BRIAN C

ART UNIT PAPER NUMBER

2615

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/628,003	Applicant(s) NIHEI, KANAME	
	Examiner Brian C Genco	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

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Applicant's amendment filed July 2, 2004 has been fully considered by the Examiner but is not deemed persuasive.

Examiner notes that Applicant's arguments with regards to the amendments to the claims are moot. Examiner notes that the claims as amended recite "a recording control unit for executing **at least one of** processing for recording the image data ... from a portable recording medium and processing for recording an image represented by the image data ... from a visible recording medium" and further "a hot-pluggable input/output interface to which an input/output unit can be connected the input/output unit able to capture said image data **from one of** said portable recording medium and/or said visible recording medium". As the limitations for recording from a visible recording medium and an input/output unit able to capture image data from the visible recording medium are claimed in the alternative to the portable recording medium. Examiner notes that Ito clearly teaches the limitations of the portable recording medium as indicated in the previous office action and repeated herein.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over (USPN 6,529,644 to Ito et al.) in view of (COMPCOM '95 to Hoffman) in further view of (US PG-PUB 20010011262 to Hoyt et al.).

In regards to claim 1 Ito discloses an image capture system comprising:

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an input interface to which an output unit can be connected (element 80 of Figs. 24 and 26);

a command input unit for applying a use verification command which verifies use of the image capture unit (e.g., step S1 of Fig. 25; column 11, line 58 – column 12, line 56);

a determination unit for determining whether the output unit has been connected to said input interface (e.g., step S81 of Fig. 25); and

a notification unit for giving notification that input of an image by an output unit connected to said input interface is possible when the use verification command has been applied from said command input unit and said determination unit has determined that the output unit has been connected (e.g., notification is given at least in step S82 through the selection of the external video input).

Ito does not explicitly disclose nor preclude that the output unit is hot-pluggable or notification that an input/output unit can be connected to said input/output interface when said determination unit has determined that the input/output unit has not been connected.

It is extremely well known in the art to provide hot-pluggable input/output units such as the IEEE 1394 serial bus as taught by Hoffman in order to provide automatic bus configuration and topology changes so as to eliminate the need for address switches or other intervention to reconfigure the bus and further to enable transportation of both data and power as described in sections 2-4. Examiner notes that Ito discloses that the input interface, element 80, is used to input image data wherein one skilled in the art at the time of the invention would clearly recognize the advantage of using a hot-pluggable interface such as the IEEE 1394 interface with a kiosk so as to enable the connection of various devices, such as external storage for portably

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storing image data, without the need to restart the kiosk or provide additional means for enabling the use of an external device with a kiosk. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have made Ito's input interface and output unit a IEEE 1394 serial bus interface in order to provide automatic bus configuration and topology changes so as to eliminate the need for address switches or other intervention to reconfigure the bus and further to enable transportation of both data and power.

Examiner further notes that it is extremely well known in the art to provide visual instruction on the use and operation of photo-booths or kiosks as taught by Hoyt (paragraphs 0052 and 0056) in order to enable a user to know how to use the photo-booth or kiosk. As further evidence Examiner further notes the more general teaching of providing instruction to a user called scripting disclosed in US PG-PUB 2001/0056362 to Hanagan et al. in paragraph 0171 and further that this technique can be used in kiosks as disclosed in paragraph 0181. Further, USPN 5,897,220 to Huang et al. discloses that audio instructions can also be made with the video instruction (column 9, lines 41-62). Examiner further notes that Hoyt discloses an "Attract Loop" to output an audio/video presentation to demonstrate an operation and/or benefits of the present booth to attract or lure customers (paragraph 0056). As such, notification would be given that an external device can be attached when one isn't detected to be attached. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have added a notification that an input/output unit can be connected to said input/output interface when said determination unit has determined that the input/output unit has not been connected in order to provide visual instructions to the user on how to use Ito's invention as taught by Hoyt.

In regards to claim 2 note step S81 of Fig. 25 is for detection of the insertion of money.

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In regards to claim 3 see Examiners notes on the rejection of claim 1.

In regards to claim 4 Ito provides means for selecting the image data through the use of a shutter button 17a wherein the image data is captured from the image capture unit if no input/output unit is attached and image data is captured from the input/output unit when one is detected to be connected (column 12, lines 5-26).

In regards to claim 5 Ito does not disclose that the notification unit gives notification that an input/output unit can be connected to said input/output interface, regardless of the use verification command given from said command input unit, when said determination unit has determined that the input/output unit has not been connected.

Examiner notes that Hoyt discloses an "Attract Loop" to output an audio/video presentation to demonstrate an operation and/or benefits of the present booth to attract or lure customers (paragraph 0056). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have added an "Attract Loop" in order to demonstrate an operation and/or benefits of the present booth to attract or lure customers. As such, one skilled in the art would recognize the clear benefit of Ito's invention enabling the input of an external video input device and therefore would also recognize to display this ability when no users are operating the photo-booth, and therefore no input/output unit would be detected, in order to lure customers to the photo-booth.

In regards to claim 6 neither Ito nor Hoyt explicitly disclose that the video display of the instructions would display a sentence of notification. One skilled in the art would clearly recognize to display pictorial as well text video information such as a sentence to a user in order to enable a most clear description of the instructions. Official notice is taken. Therefore it

would have been obvious to one skilled in the art at the time of the invention to have displayed a sentence of notification in order to enable a most clear description of the instructions.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian C. Genco who can be reached by phone at 703-305-7881 or by fax at 703-746-8325. The examiner can normally be reached on Monday thru Friday 8:30am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-9644. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is 703-308-4357.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian C Genco
Examiner
Art Unit 2615

August 4, 2004



ANDREW CHRISTENSEN
SUPERVISORY PATENT EXAMINER
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